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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,882	06/25/2003	Yasuyuki Matsuura	2003_0858A	2263
513	7590	03/22/2007	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			TEKLE, DANIEL T	
			ART UNIT	PAPER NUMBER
			2621	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/602,882	MATSUURA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Daniel Tekle	2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 June 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 25 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>09/07/06</u>	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Orr (US 6760535).

**Regarding Claim 1:** Orr discloses a recording apparatus comprising: a continuous recording unit operable to perform continuous recording and obtain broadcast contents broadcasted from N hours ago to a current time onto a recording medium (**column 2 lines 38-46**); and a setting unit operable to set a protective attribute onto a part of the recording medium according to a user operation, wherein the broadcast contents are made up of a plurality of video units, the continuous recording unit performs the continuous recording by (i) receiving a broadcast wave to obtain a new video unit (**column 2 lines 38-46**), and (ii) overwriting one of the video units with the new video unit (**column 5 lines 4-12**), and the part of the recording medium having the protective attribute is protected against the overwriting performed by the continuous recording unit (**column 5 lines 13-21**).

**Regarding Claim 2:** Orr discloses a recording apparatus of claim 1, further comprising a pointer that indicates a location of writing in the recording medium, wherein the continuous recording unit performs the overwriting by (i) writing the new video unit to the location of writing indicated by the pointer (**column 4-5, lines 58-3**), and (ii) subsequently adding a size of the new video unit to the pointer, and the protection against the overwriting is made by, when the pointer comes to a vicinity of the part having the protective attribute, adding an offset to the pointer so that the pointer skips this part (**column 5 lines 4-21**).

**Regarding Claim 3:** Orr discloses a recording apparatus of claim 1, wherein the part of the recording medium having the protective attribute stores therein two or more video units, which represent one of a plurality of broadcast programs that have been broadcasted between N hours ago and the current time, the recording apparatus further comprises a display unit operable to display a schedule table of the plurality of broadcast programs (**column 2 lines 53-63 and column 3 lines 42-63**), and the user operation specifies a period during which the one of the plurality of broadcast programs is being broadcasted (**column 3 lines 14-22**).

**Regarding Claim 4:** Orr discloses a recording apparatus of claim 1, wherein the part of the recording medium having the protective attribute corresponds to a period, the period being a part of duration between N hours ago and the current time, and the user operation is an input of a starting time and an ending time of the period (**column 6 lines 49-59 and column 7 lines 3-7**).

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**Regarding Claim 5:** Orr discloses a recording apparatus of claim 1, wherein the user operation is an input of a starting time, and the part of the recording medium having the protective attribute stores therein two or more video units which correspond to either (a) a predetermined length of time beginning at the starting time or (b) a predetermined length of time into past from the starting time (**column 7 lines 3-7**).

**Regarding Claim 6:** Orr discloses a recording apparatus of claim 1, further comprising: a loading unit operable to load a portable recording medium (**column 3 lines 4-13**); and a copying unit operable to copy, onto the portable recording medium, the part of the recording medium having the protective attribute (**column 4 lines 8-18**).

**Regarding Claim 7:** Orr discloses a recording apparatus of claim 6, wherein the part of the recording medium keeps having the protective attribute there on until the part finishes being copied onto the portable recording medium, at which time the protective attribute gets cancelled (**column 4 lines 8-18**).

**Regarding Claim 8:** Orr discloses a recording apparatus of claim 1, wherein the part of the recording medium having the protective attribute stores therein two or more video units, which represent one of a plurality of broadcast programs that have been broadcasted between N hours ago and the current time, the recording apparatus further comprises a reproducing unit operable to reproduce each of the video units recorded on the recording medium, and the setting unit, when each of the plurality of broadcast programs finishes being reproduced, inquires of the user whether or not a period corresponding to each broadcast program should be retained, and the user operation is an affirmative reply in response to the inquiry (**column 7-8, lines 57-9**).

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**Regarding Claim 9:** Orr discloses a recording apparatus of claim 1, wherein the part of the recording medium having the protective attribute stores therein two or more video units, which represent one of a plurality of broadcast programs that have been broadcasted between N hours ago and the current time, the recording apparatus further comprises a reproducing unit operable to reproduce each of the video units recorded on the recording medium, and the user operation indicates that a period corresponding to a broadcast program currently being reproduced should be retained (**column 7-8, lines 57-9).**

**Regarding Claims 10-18:** Claims 10-18 are rejected for the same subject matter as claims 1-9 respectively.

### Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to a device and method for selective recall and preservation of events prior to decision to record the event.

### **US 20030040917**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Tekle whose telephone number is 571-270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other F..

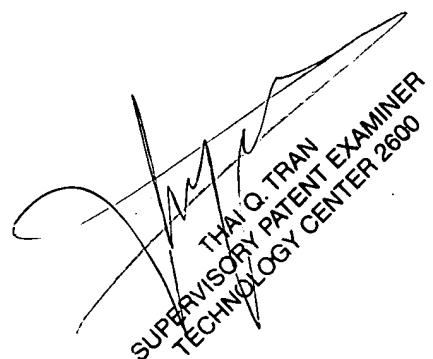
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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